

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

| | | | |
|---|---|--|-----------------------|
| Applicant's or agent's file reference | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application n° PCT/FR2004/001764 | International filing date (day/month/year) 07.07.2004 | Priority date (day/month/year) 07.07.2003 | |
| International Patent Classification (IPC) or both national classification and IPC A61J3/10 | | | |
| Applicant : ETHYPHARM ET AL. | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | | |

| | |
|---|---|
| Date of submission of the demand of international preliminary examination 04.05.2005 | Date of completion of this report: 21.10.2005 |
| Name and postal address of authority conducting international preliminary examination European patent office – P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk –The Netherlands Tel : +31 70 340-2040 Tx: 31 651 epo nl Fax : +31 7 340-3016 | Authorized officer Godot, T. Telephone n° : +31 70 340-3319 |

3

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application n°
PCT/FR2004/001764

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion is based on a translation from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1 (b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements* of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the description, pages

1-14 as originally filed/furnished

the claims, No.

23-26 as originally filed/furnished
1-22 received on 27.05.2005 accompanied by letter dated 27.05.2005

the drawings, sheets

1/5-5/5 as originally filed/furnished

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to the sequence listing (*specify*):
4. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT****International application n°
PCT/FR2004/000543****Box No. V Reasoned statement under Rule 35.2, with regard to novelty, inventive step
or industrial applicability; citations and explanations supporting such
statement****1. Statement**

| | | | |
|---------------------------|-------------|------------------|------|
| Novelty | Yes: No: | Claims Claims | 1-22 |
| Inventive step | Yes: No: | Claims Claims | 1-22 |
| Industrial applicability: | Yes: No: | Claims Claims | 1-22 |

2. Citations and explanations (Rule 70.7) :**see separate sheet**